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18 **UNITED STATES DISTRICT COURT**
19 **DISTRICT OF NEVADA**

20 WILLIAM J. BERRY, JR.; CYNTHIA
21 FALLS; SHANE KAUFMANN,

22 Plaintiffs,

23 vs.

24 DESERT PALACE, INC. d/b/a CAESARS
25 PALACE; et al.,

26 Defendants.

Case No.: 2:17-cv-00019-APG-BNW

**STIPULATION AND REQUEST
FOR AN ORDER TO EXTEND
JOINT PRETRIAL ORDER
DEADLINE**

(SECOND REQUEST)

ORDER

27 IT IS HEREBY STIPULATED AND AGREED among Plaintiffs WILLIAM J.
28 BERRY, JR., CYNTHIA FALLS, AND SHANE KAUFMANN (“Plaintiffs”) and
Defendant DESERT PALACE, INC., d/b/a CAESARS PALACE (“Defendant”), that the
deadline for filing the Joint Pretrial Order be extended in light of Plaintiffs’ motion to alter
or amend the Court’s Order granting in part Defendant’s motion for summary judgment
[ECF No. 150], which is pending.

The justification for this extension is as follows. Previously, the Court (on
November 4, 2019) granted the first extension to file the Joint Pretrial Order [ECF No.

1 149] based on the Defendant's (then-pending) motion to consolidate (ECF No. 32) this
2 case with another case, *Kaufmann v. Desert Palace, Inc.*, Case No. 2:18-cv-02037-KJD-
3 DJA. On March 25, 2020, in that other case, *Kaufmann v. Desert Palace, Inc.*, USD Judge
4 Dawson issued a decision denying consolidation. ECF No. 48.

5 Presently, under this Court's previous Order *in this case*, the parties are now
6 required to submit the Joint Pretrial Order within 60 days of the March 25, 2020 Order in
7 the other *Kaufmann* case. ECF No. 149. However, another filing has occurred in the
8 meantime which impacts this now-triggered deadline.

9 On November 15, 2019, after the Court issued its first order extending the deadline
10 to file the Joint Pretrial Order, Plaintiffs filed their motion to alter or amend the Court's
11 order granting in part Defendant's motion for summary judgment [ECF No. 150]. This
12 motion is now fully briefed and awaiting consideration and decision. The Court's decision
13 on that motion will have significant impact on the content of the Joint Pretrial Order so it
14 would be prudent to have the deadline extended.

15 Thus, to eliminate unnecessary and possibly duplicative work and filings, to
16 further judicial economy, and to conserve the parties' resources, the parties now request
17 that the Court extend the deadline for filing the Joint Pretrial Order *in this case* to 60 days
18 after the Court issues a decision on Plaintiffs' motion to alter or amend.

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1 This is the parties' second stipulation to extend the Joint Pretrial Order filing
2 deadline. As set forth above, this stipulation is made in good faith in order for the parties
3 to avoid incurring unnecessary legal fees while also conserving judicial resources pending
4 the outcome of Plaintiffs' motion to alter or amend. This stipulation is not for the purpose
5 of causing any undue delay, and the parties agree that good cause therefore exists for an
6 extension.

7 DATED this 3rd day of April, 2020.

DATED this 3rd day of April, 2020.

8 **MAIER GUTIERREZ & ASSOCIATES**

AKIN GUMP STRAUSS HAUER FELD LLP

9 /s/ Danielle J. Barraza

/s/ Esther G. Lander

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Inc. d/b/a Caesars Palace

20 **IT IS SO ORDERED.**

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24 UNITED STATES DISTRICT JUDGE
25 Dated: April 3, 2020.
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